



Report on the Administration of Civil Justice in the 'residency of Bengal

During the Year 1923

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REPORT ON THE ADMINISTRATION OF CIVIL JUSTICE IN THE PRESIDENCY OF BENGAL DURING THE YEAR 1923.

The statements appended to the report have been prepared on the lines of the revised tables prescribed by the Government of India. copies of which were forwarded to the Court with the Home Department letter No. F. 490-22 Judicial, dated the 7th June, 1923 The Provincial statements hitherto included with the report have been omitted, with the exception of statement H, (revised statement A), relating to civil business disposed of in the High Court The information hithorto given in statement I regarding appeals decided in the High Court has been incorporated in the nairative portion of the report (paragraph 37) owing to the abolition of the statement.

2. Judicial staff.—The permanent civil judicial staff employed in the Presidency during 1923 consisted of 15 High Court Judges, 21 District Judges, 10 Additional District Judges, a Chief Judge and six Judges of the Presidency Small Causa Court, three Provincial Small Cause Court Judges who exercised also the powers of a Subordinate Judge, 43 Subordinate Judges and 235 Munsifs. In addition four executive officers exercised the powers of a Subordinate Judge or Small Cause Court Judge, and two the powers of a Munsif.

The following changes in the personnel of the High Court took place during the year :-

Mr. Arthur Page, K.C., was appointed to act as an Additional Judge with effect from the 8th January. Mr. A. J. Chotzner. i.c.s., officiated as a Judge from the 29th June till the 30th August, vice Mr. Justice Walmsley. r.c.s.. on leave.

The following temporary appointments in the subordinate courts were sanctioned during the year :-

Temporary Additional District Judges were employed, one each at Howrah and the 24-Parganas throughout the year, one at Pabna-Bogra till the 16th April, one at the 24-Parganas from the 29th January till the 15th February, one at Hooghly (Howrah) from the 24th April till the 10th May, one at Bakarganj from the 1st March till the 8th October and again from the 12th November till the end of the year, two at Dacca, viz., one from the 5th May till the 8th Octo-

ber and again from the 12th November

till the end of the year and the other from the 21st November till the 21st December, one at Dinajpur from the 12th November till the end of the year.

Temporary Additional Subordinate Judges were employed, one each at Bakarganj, Dacca and Howrah throughout the year, exclusive of the civil court vacation, and one at Burdwan from the 2nd January till the 30th June and one at the 21-Parganas from the 12th Nov-

ember till the end of the year.
Temporary Additional Munsifs were employed, three at Mymensingh (viz., one each at Sadar, Iswarganj and Jamalpur) throughout the year, exclusive of the civil court vacation, and one each at Dinajpur (Balurghat), Faridpur (Madaripur), Khulna, Mymensingh (Iswarganj), Pabna-Bogra (Serajganj), and Rajshahi (Nowgong), till the civil court vacation.

Original Jurisdiction.

I. High Court.

Original suits for disposal.—The total number of civil suits for disposal on the Original Side of the High Court in 1923 was 8,761 against 9,085 in the previous year.

Of 3.409 suits instituted during 1923, 2,591 were for money or moveable property, 243 were mortgage suits and 224

were for immoveable property.

The value of suits for specific money claims was Rs. 7,59,25,142 as compared with Rs. 6,33,48,455 in the previous year.

Original suits disposed of .- The number of suits decided in 1923 was 4.270. The number undisposed of at the end of the year was 4,491. The number pending at the close of the year was less than the number pending at the close of the previous year by 831. There were 1,938 suits pending over one year, showing a decrease of 782 on the figures of the previous year.

Of the suits decided-1,492 were disposed of without trial. 1,846 were disposed of without contest, 901 were disposed of on contest and 31 were disposed of by

reference to arbitration.

Prize cases.—At the commencement of the year there were pending one case against a ship and one claim against the cargo. No action having been taken during the year, the position of the ship and the cargo remained unchanged at the close of the year.

- 5. Gases under the extraordinary jurisdiction.—At the commencement of the year, four suits were pending in the High Court in its extraordinary original civil jurisdiction, and one suit was transferred to it during the year. Of these, three were disposed of during the year and two remained pending at its close.
- 6. Probates and Letters of Administration, etc.—During the year, 439 petitions for probates and letters of administration, and 17.485 interlocutory applications (including applications for the appointment of guardians under the Guardians and Wards Act, 1890, for the appointment of guardians ad litem, for the appointment of receivers, for injunctions, for discovery of documents, for execution, for summons to witnesses, for special leave to file written statements after time) were disposed of. Of the interlocutory applications, 10,464 were disposed of by the Court or by a Judge in chambers and the remainder (7,021) by the Registrar and the Master.
- 7. Awards under the Indian Arbitration Act, 1899.—The number of awards filed and that of applications made in execution thereof were 184 and 91 respectively.
- 8. References to take accounts, etc.—The number of references to take accounts, to make inquiries as to estates to be administered or partitioned, as to debts and incumbrances, as to allowances to be made for maintenance, enquiries on questions of title, enquiries on questions of title, enquiries on questions affecting minors in proposed terms of settlement in suits, etc., and to settle conveyances, etc., pending at the commencement of the year was 210. Fresh references were directed by the Court in 480 cases. Of the total, 375 were disposed of by the Registrar, the Official Referee and Master and their assistants.
- 9. Conveyances and sureties.—During the year, the Registrar settled 16 conveyances and inquired into the sufficiency of sureties in 104 cases. The Registrar further inquired into the sufficiency of sureties in 192 matters in which administration bonds were executed.
- 10. Appeals from the Original Jurisdiction.—The number of appeals pending from the previous year was 84 and 199 new appeals were preferred to the Appellate Side of the Court. Of the

- total number, 40 were dismissed for default or otherwise not prosecuted, and 111 were decided. Of the latter, the decrees of the Courts of first instance were affirmed in 72, modified in 5 and reversed in 33 cases; one case was remanded for retrial. One hundred and thirty-two appeals remained undecided at the close of the year.
- 11. References from the Galcutta Gourt of Small Gauses.—At the commencement of the year no such reference was pending, but one was made to the High Court during the year which was disposed of.
- 12. References under section 51(1) of the Indian Income Tax Act of 1918.—At the commencement of the year no such reference was pending and none was made during the year.
- 13. Applications for the transfer of cases from the Calcutta Court of Small Gauses.—Sixty-nine cases transferred under section 39 of the Presidency Small Cause Courts Act, 1882, were pending at the commencement of the year and 19 cases were transferred on applications made under that section during the year. Of the 88 cases for disposal, 30 were disposed of and 58 remained pending at the close of the year.

Fifteen cases transferred under section 24 of the Code of Civil Procedure were pending at the commencement of the year, and nine cases were transferred under that section during the year. Of the 24 cases for disposal, one was disposed of, and 23 remained pending at the close of the year.

Twenty-two applications under section 115 of the Code of Civil Procedure for the calling up of records from the Calcutta Court of Small Causes were made to the High Court during the year. Of these, nine applications were dismissed, in eight cases the rules issued were discharged, in one case the rule issued was made absolute, and four cases were remanded for re-trial. None remained pending at the close of the year.

14. Insolvency cases.—The number of cases under the old and new Acts pending in the Insolvency Court at the commencement of the year was 163 and 1,250 respectively, and the number instituted during the year was 255. Of the 1,668 cases for disposal, 62 were disposed of, the adjudication being set aside or superseded or the petition

being withdrawn or dismissed in 25 and the insolvents obtaining relief in 37 cases. Two thousand five hundred and fourteen applications of a miscellaneous character were also disposed of during the year.

- 15. Duration of sittings.—For the hearing of original suits and applications one Judge sat alone for 11 days, two Judges sat separately and simultaneously for 25 days, three Judges sat separately and simultaneously for 56 days, four Judges sat separately and simultaneously for 103 days and five Judges sat separately and simultaneously for 1 day. The Insolvency Court engaged the time of two Judges for 14 days. Appeals from the Original Side occupied a bench of two Judges for 140 days and a bench of three Judges for 1 day.
- 16. Appeals to the Privy Gouncil.— Four appeals from the Original Side were pending from the previous year, and seven appeals were admitted during the year. Of these, four were disposed of by the Privy Council and seven remained pending at the close of the year.
- 17. Receipts and Expenditure.—The following statement shows the receipts and expenditure of the High Court on the Original Side during 1923:—

Receipts.

•					
			Rs.	A.	P.
Commission of the General Commission on sale-	by and	on	18,145	5	4
security deposits Regustrar		the	12,372 31,572	8	0
Receiver's commissi Other fees realised		s of	31,572	0	0
stamps		***	10,23,941	9	0
Probate and adminis	stration d	luty	13,66,659		0
Fines .	••	•••	785	_ 0	0
Tot	al	***	24,53,475	10	4

Expenditure.

	•
Salaries (including exchange compensation allowance) of Judges engaged on the	
Original Side and in respect	
of appeals from that side	2,51.569 3 0
Mstablishment	4,07,382 4 1
Contingencies	74,845 15 3
Total	7.33,797 6 4

18. Taxing office.—The number of bills taxed during the year was as follows:—

Between	party and party	***	1,558 317
71	Attorney and client		317

The court-fees for taxation during the year amounted to Rs. 40,034. This sum is also included in the item "other fees realised by means of stamps" under the head "Receipts."

19. **Financial results.**—The following figures exhibit the financial results for the last three years, including under the head of expenditure the salaries of the Judges:—

Yes	ır.	R≏ceipts. (a)	Receipts. (b)	Expenditure.
		Rs.	Rs.	Rs.
1921	•••	15,43,505	6,15,935	6,28,604
1922	***	17,97,855	7,04,634	6,83,835
1923	***	24,53,475	10,86,816	7,33,797

(a) Including the duty raised on the grant of prabates and letters of administration.

(b) Excluding Outto ditto.

il. Civil Courts in the Mufassal subordinate to the High Court.

20. Original suits instituted.—The number of suits instituted in 1923 was 581,909, a decrease of 22,497 on the figures of the previous year.

The decrease occurred in money, rent and title suits to the extent of 7.7, 1.8, and 2 per cent., respectively. The number of money suits instituted was 194,792 against 211,006 in 1922.

The total value of suits instituted in 1923 amounted to Rs. 8,81,71,140 showing a decrease of Rs. 71,26,122 on the total for 1922. The decrease is mainly due to the fall in institutions under all classes of suits.

21. Local distribution.—There was a decrease in the number of suits instituted in all the districts except Midnapur, Khulna, Noakhali, Chittagong, Bakarganj, Bankura and Murshidabad.

The decrease was most marked in Dacca, Faridpur, Mymensingh and Jessore. In Dacca, Mymensingh and Jessore it occured chiefly in money suits and in Faridpur in rent suits.

The largest number of suits was instituted in the districts of Mymensingh (65,345), where the number of money and rent suits (23,023 and 35,046 respectively), was the heaviest in the province. In no other district did the institutions exceed 50,000.

In Dacca, the institution was between 40,000 and 50,000, and in Tippera, Bakarganj. Midnapur, the 24-Parganas, Faridpur and Rangpur between 30,000 and 40,000. In respect of rent suits, Mymensingh held the first place with 35,046 institutions, and Bakarganj the second place with 26,626 institutions.

Title suits were most numerous in

Midnapur (9793).

In the districts of Jessore, Dinajpur, Nadia, Chittagong, Noakhali, Pabua-Bogra and Rajshahi the institutious were between 20,000 and 30,000, and in Hooghly, Khulna, Murshidahad and Burdwan between 15,000 and 20,000. Birbhum with 11,808 and Bankura with 11,203 show the lowest figures.

22. Nature of suits instituted.—The majority of suits instituted was, as usual, for small sums, as the following figures show:—

	Suits for money or moveables.	Suits under the rent law.	Title and other suits.
Rs. 10 50 100 500 Exceeding Rs. 500 or value not stated.	7,197 74,054 50,982 55,784 6,825	76,506 1,61,598 50,167 52,888 2,188	6,720 14,620 10,496 22,214 9,660
Total	194,792	323,407	68,710

In suits for money or moveables 41.7 per cent., and in rent suits 73.6 per cent.. were for sums of less than Rs. 50.

In suits under the rent law, 94 per cent. were for realization of arrears of rent. Of the suits classified as title suits, 32.9 per cent. were mortgage suits, 45.4 per cent. were for immoveable property and 3 per cent., were for specific relief.

23. Number of suits disposed of.— Excluding transfers, there were 768,447 suits for disposal before the subordinate courts in 1923.

The number of suits disposed of was 579,630, a decrease of 50,380 on the

figures of 1922.

Of the total number, 557,157 were disposed of by Munsifs, 12,081 by Subordinate Judges, 10,028 by Small Cause Court Judges, and 424 by District and Additional Judges. The figures show a decrease in all grades of courts.

24. Results of suits decided.—Of the suits disposed of during the year, 95.084 were decided without trial, 413.761 without contest and 70,845 on contest.

Of the 70,845 suits decided on contest, 511 were disposed of on reference to arbitration. Of the remainder 59,374, or 84.4 per cent., resulted in favour of the plaintiffs, and 10,960 or 15.6 per cent. in favour of the defendants.

- 25. Applications for re-trial.—The number of applications for an order to set aside an expirite judgment or a judgment on default, preferred during the year, was 19,664. Of these, 8,745 or 44.4 per cent., were successful.
- 26. Suits decided by Munsifs.—The number of suits disposed of by Munsifs fell from 603.690 to 557,157, a decrease of 46,533.

The average number of suits disposed of by each Munsif was 2,321 against 2,454 in 1924. Disposals under the Small Cause Court procedure formed 228 per cent. of the total.

The number of contested suits disposed of by Munsifs was 66,898 or 12 per cent. of the total. The average number of contested suits decided by each Munsif was 2"8 against 274 in 1922. The percentage of contested suits disposed of by Munsifs under the ordinary procedure was 12.6 and under the Small Cause Court procedure 9. The figures are:—

Under the ordinary procedure-

Contested ... 54,276 Uncontested ... 375,662

Under Small Cause Court procedure-

 Contested
 ...
 1°,622

 Uncontested
 ...
 114,597

 Total
 ...
 557,157

The number of suits decided by Munsifs under the ordinary procedure shows a decrease of 27,428, as compared with 1922.

- 27. Suits disposed of by Subordinate Judges.—The number of original suits disposed of by Subordinate Julges was 12,081, a decrease of 2,524 on the figures of the previous year. The decrease was in cases decided both under the ordinary and the Small Cause Court procedure, and was spread over both contested and uncontested suits. The number of suits, decided under the ordinary procedure was 6,163 and under the Small Cause Court procedure 5,918; of these 26.4 per cent. and 15'2 per cent. respectively were contested. The percentage of suits decided after contest under the ordinary procedure shows a slight decrease and that of suits decided after contest under the Small Cause Court procedure, a slight increase, as compared with the previous year.
- 28. Suits disposed of by Small Cause Court Judges.—The provincial Small Cause Courts disposed of 10,028 original

suits, of which 1,276 were contested. or 27 more than in the previous year.

29. Pending suits.—The number of suits pending at the close of the year was 188,757, against 176.300 in the previous year. The increase is chiefly due to smaller disposals during the year.

Of the pending suits, 15.334 had been pending for more than a year, 66,905 for more than six months and 44,546 for more than three months. The figures show a decrease in the number of suits pending over one year, and an increase in the numbers pending for more than six months and three months. Of the suits pending over one year, 11,582 were in the courts of Munsifs and 3,752 in the courts of Districts and Subordinate Judges, the figures showing a decrease of 1,310 and an increase of 454, respectively, as compared with 1922. A large proportion of these suits (60.2 per cent.) were, however, pending for final decree.

The number of suits pending over a year was largest in Midnapore (2,320), followed by Bakarganj (1,605), the 24-Parganas (1,171), Noakhali (1.160) and Hoghly (1,072). In Midnapore 903 per cent. of the year-old suits were pending for final decree. As compared with the figures of the previous year, the number of year-ol l suits shows a decrease in Midnapore and Bakarganj and an increase in the 24-Parganas, Noukhali and Hooghly. In the 24-Parganas the congestion was chiefly in the courts of Subordinate Judges, while in the remaining districts it occurred principally in the Munsifs' courts. As usual, the delays were generally due to adjourn. ments granted at the request of the parties. Additional assistance was given where necessary.

transfers, there were 108,578 miscellaneous cases of a judicial nature before the courts for disposal, against 113,903 in the previous year. Of these, 87,190 were disposed of, 249 were treated as suits on their becoming contested, and 21,139 remained pending at the close of the year. Of the cases disposed of, 32,976 were decided without trial, 38.565 without contest and 15,649 on contest or on reference to arbitration. Of the pending cases 1,229 were pending over a year Burdwan being responsible for the largest number (526).

III. Calcutta Small Cause Court.

31. The number of suits instituted and decided in the Presidency Court of Small Causes during 1923 and the

number pending at its close, were 22,160, 23.194 and 4,668, respectively, showing a decrease of 766, 1,701 and 27 respectively on the figures of the previous year Eighty-nine applications were filed under section 626 of the Calcutta Municipal Act (Bengal Act III of 1899).

The decrease in institutions was spread over all classes of suits except those valued at sums not exceeding Rs. 50.

The total value of the litigation was Rs. 66,17,616, against Rs. 75,78,050 m the preceding year.

32. Mode of disposal.— Of the suits disposed of, 1,123 were decided without trial, 17,419 without contest and 4,652 or contest or upon reference to arbitration.

Of the 4,668 suits pending at the close of the year, 1.639 were over three months old, against 1,674 in 1922.

Appellate Jurisdiction.

I. High Court.

the Letters Patont.—One hundred and ninety-nine appeals from decisions on the Original Side were filed during the year and 84 were pending at its commencement. Of the total, 151 were decided and 132 remained pending at the close of the year. The number of appeals disposed of was two more than in 1922. On the Appellate Side, 44 such appeals were filed during the year and 33 were pending at its commencement. Of these, 68 were decided and nine remained pending at the close of the year

ii. Appeals from the Subordinate Civil Courts.

31. Appeals to the High Court from

PROPERTY AND PERSONS ASSESSED.					
**************************************	Remaining at the	Brougnt before the	Disposed of in	Remaining at the	1000
Flist appeals— From Criginal Decress. From Original Orders.	482 270	263	(a) 239 208	506 218	
Second appeals— From Appellate Decrees.	4,480	2,827	(5) 8,401	8,908	
From Appellate Orders.	142	188	221	109	
Total	5,374	3,522	4,157	4,739	

(a) Including 47 Will cases.
(b) Of the se 117 were decided by a single value, which came before the High Court and were decided

Subordinate Courts. - The statement in the margin shows the number of first und second appeals from the decrees and orders of the pro vincial courts of original and appellate jurisdiction, respectively, which

during the year. The figures include appeals from the courts of Assam.

35. Givil Work of the High Court.— The following statement shows in detail the civil business which has come before the High Court in its appellate jurisdiction during each of the past three years:—

			Brought 1	efore the Co	urt. (a)	Heard a	nd determine	ed. (a)	Pending at the close of (a)		
		1	1921.	1922.	1923.	1921.	1922.	1923	1921.	1922.	1923.
First appeals from	rı—										
Decrees	•••	•••	22 .	837	263	294	308	239	453	482	506
Orders	•••	•••	232	234	244	173	229	296	265	270	218
Second appeals fr	roin—										
Decrees	•••	•••	2,616	2,705	2,827	1,343	3,548	3,401	5,323	4,480	3,906
Orders	•••	•••	155	181	188	152	182	221	143	142	109
Appeals under th	e Letters F	Patent	172	219	243	157	218	219	116	117	141
References to Fu	ll Bench			•••	•••	•••	•••	•••	•••	•••	•••
Applications for	review		42	75	102	43	67	108	•••	8	2,
References	•••	•••	16	10	7	5	20	9	13	3	1
Metions	•••	•••	1,030	1,212	1,298	1,030	1,212	1,298	•••	•••	
Rules granted	***	•••	1,123	1,107	943	846	1,211	1,079	770	666	530
Divorce cases	••		12	6	5	11	7	6	5	4	3

(a) Include cases of Assam.

Of the 263 appeals from original decrees instituted during the year under review 8 were from Assam and the remainder from Bengal.

36. Details of value of appeals.— The following table shows the value of the appeals from the original and appellate decrees of the subordinate civil courts brought before the Court during the year:-

Provinces of Bengal and Assam.

		App-als from Original Decrees of Subordinate Orvil Courts.	Appeals from App-liate D-crees of Subordinate Civil Courts.	Second and third appeals under the Letters Patens,
Not exceeding				
Rs.				
50		3	852	44
100		5	398	•••
500	***	19	653	***
1,000	***	14	153	•••
5,000	***	43	199	•••
10,000	164	68		•••
1,00,000	***	66	***	•••
Exceeding 1,00,000.	Rs.	3	•••	1 ***
Value not den	otable	47 (a)	572(b)	
in money.				
Total	•••	263	2,827	44

⁽²⁾ These included 41 Will cases, 1 suit for declaration, 2 title suits, 2 suits for partition and 1 suit under section 92, C. P. C.
(b) Of these, 5 were title suits, 4 were suits for declaration, 13 were rent suits and the rest (2-r., 559) were suits under sections 105, 106, 109A, and 158 of the Bengal Tenancy Act.

37. Results of appeals.—The state- decided in the High Court during the ment below shows the results of appeals year under review :-

				ADMI-	NTEST AI SLON.	Fren	OT	HERWISE	DISPOSE	D OF.	
	Nature of appeals.		Affrmed.	Reversed.	Varied,	Remanded.	Dismissed for default.	Withdrawn	Compro mised.	Appeals summarily rejected under Order XII, Rule II, O. P. G.	Total.
	1		2	3	4	5	6	7	8	9	10
Appeals from	m Original Decrees—										
Decemb	Di-trict Judge	•••	30	19	1	5	13	•••	10	 .	78
Bengai	{ District Judge Subordinate Judge		45	22	15	11	41	1	14		149
Assam	{ District Judge Subordinate Judge	•••	1	1						•••	2
Аьваш	Subordinate Judge		3	2	1	3	1			•••	10
1	Total	•••	79	44	17	19	55	1	24		239
Appeals fro	m Appellate Decrees-										
rs .1	District Judge	•••	758	206	22	292	22	7	15	492	1,814
Bengal	{ District Judge Subordinate Judge	•••	565	81	43	82	63	12	74	570	1,490
A maams	{ District Judge Subordinate Judge	***	20	2	1	3	•••		•••	3	29
Assam	" Subordinate Judge	•••	19	2	3	3	1	•••	1	39	68
	Total	•••	1,362	291	69	380	86	19	90	1,104	3,101
Appeals fro	m Orders—										
Rengal	{ District Judge Subordinate Judge	•••	61	26	10	16	20	•••	8	61	197
		***	109	40	10	20	31	ತ	5	77	295
A ssam	{ District Judge Subordinate Judge	•••	2	1		1				5	9
amonus iii	Subordinate Judge	•••	7	1		1	1	2 '		4	16
	Total	•••	179	68	20	88	52	5	8	147	517

Norm.—Bengal—5 appeals from Original Decrees, 30 from Appellate Decrees and 5 from Orders were restored to the file under Order XLI Rules 19 and 21, during the year under review.

Assam—1 appeal from Appellate Decree was restored to the file under Order XLI, Rules 19 and 21 during the year under review.

The following table shows the results determined in the High Court during of appeals decided by the High Court affecting District Judges and Subordinate Judges :-

	AF	FIRMED.	Modified or Reversed.			
-contacted	District Judges.	Subordinate Judges.	District Judges.	Subordinate Judges.		
Appeals from— Original						
Decrees	31	48	21	40		
Appellate Decrees	778	584	231	129		
Miscellaneous appeals	63	116	37	51		

38. The following statement shows the average duration of pending appeals and appeals which have been heard and

the year 1923 :-

	-	-						
	Average duration of appeals	Duration of funding Appeals.						
	deter- mined in 1023. Less than one year.		One to two years.	More than two years.				
1	2	3	4	5				
Bengal.	Days.							
First appeals from { Decrees Orders	606 391	232 129	182 62	70 16				
Second appeals from { Decrees Orders	605 288	1,633 88	1,658 18	432 3				
ASSAM.								
First appeals from { Decrees Orders	688 881	8 8 118	9 3 48	5				
Second appeals from { Decrees Orders	533 226	118	48	22				

Further details of the appellate business of the year under review would be found in the Statement A of civil business appended to the report.

39. Appeals to the Privy Council.— The following statement shows the details of Privy Council business during the year under review:—

Pending at		Struck off	Records	Pending-			
the and of 1923.	Applica or c m-		despatch d to England.	For orders	For despatch		
1	2	3	4	5	6		
25	165	26	19	152	2		

Norm.—One hundred and fifty applications for leave to appeal to the Privy Council have been pending for less than one year and 2 for more than one year.

40. Risults of appeals to the Privy Council.—The results of 51 appeals to the Privy Council were received during the year under review. The decisions of the High Court were affirmed in 40 instances, reversed in 9 and varied in 2.

III.—Appeliate Gourts subordinate to the High Court.

41. Appeals for disposal.—Excluding transfers, the number of appeals for disposal before the subordinate courts in Bengal in 1923 was 30.654 against 34,577 in 1922.

The number of appeals instituted during the year was 15,165 against 13,830 in the previous year. Of these, 6,834 were in title suits, 6,394 in rent suits, and 1,937 in suits for money or moveables. The numbers show an increase in appeals in title and rent suits but a decrease in money suits.

The total value of the appeals instituted in the subordinate courts was Rs. 28,08,963 and was less than that of 1922 by Rs. 37,121.

The number of cases in which an appeal lay, decided by subordinate courts, was 51,611 and the proportion of appeals instituted to appealable decisions, excluding appeals from decisions of revenue officers, was 27.7 per cent., as against 26.6 in 1922. The percentage was highest in Hooghly (42.8), followed by Burdwan (36.8), Chittagong (34.5) and Tippera (32.9) and it was lowest in Rangpur (18), the next in order being Dinajpur (19.3), Birbhum (20.9) and Faridpur (21.3).

The number of appeals instituted was larger than in the previous year in 16 and smaller in 5 districts. The increase in institutions was noticeable in Nadia (426), Jessore (285), Noukhali (165) and Midnapur (164) and the decrease in

Rajshahi (97). In the remaining districts the variations were less.

42. Appeals disposed of.—The number of appeals decided was 14,472 and shows a decrease of 4,230 in the number decided by District and Additional Judges and of 829 in that decided by Subordinate Judges as compared with the previous year.

The decrease in disposals was spread over 14 districts and was largest in Rajshahi (1,815), followed by Tippera (1,438), Murshidahad (673) and Noakhali (615).

The decrease in each of the districts of Rajshahi. Tippera, Murshidabad and Noakhali was due partly to a smaller staff and partly to the fact that the number of regular appeals disposed of by the District and Additional Judges concerned in 1922 included a large number of special appeals.

On the other hand there was a noticeable increase in Jessore (599).

43. Anneals pending.—T

43. **Appeals pending.**—The number of appeals pending at the close of the year was 16.182 and was more than that of 1922 by 1,136.

The number of over one year old appeals rose from 3,754 to 4,084. Noakhali was accountable for the largest number, viz., 813.

- Results of appeals.—The results 44 on the decisions of the lower courts of the appeals decided during the year were as follows:—In 7,462 cases; or 51.5 per cent. of the whole, the judgment of the lower courts was affirmed; in 1,897 cases, or 13.2 per cent. it was modified and in 2,381 cases, or 16.5 per cent. it was reversed. Seven hundred and thirtytwo or 5 per cent. were remanded and 2,000 or 13.8 per cent. were either not prosecuted or dismissed for default. The results are on the whole more favourable to the lower courts than in the preceding year.
- 45. Miscellaneous appeals.—Excluding transfers, the number of miscellaneous appeals for disposal before the civil appellate courts in 1923 was 4,786. Of these, 3,456 were disposed of during the year, leaving 1.330 appeals pending at the close of the year. The number pending was 58 less than in the previous year.
- 46. **General.**—There was a decrease in the institutions of original suits but an increase in those of appeals in the subordinate courts. Disposals failed to keep pace with institutions, with the result

that there was an increase in the pending files of both suits and appeals. The number of year old cases was smaller in the original, and larger in the appellate, courts than in the previous year. On the Appellate Side of the High Court. there was a small increase in the institutions but the disposals being in excess of the institutions there was a further appreciable reduction in the pending file.

- 47. Inspection.—The courts of three Subordinate and Small Cause Court Judges and 40 Munsifs were inspected by District and Additional District Judges.
- 48. Receipts and charges of the civil courts.—The receipts of the civil courts in Bengal and of the High Court amounted to Rs. 1,89,60,519 showing an increase of Rs. 8,78,626 and the charges to Rs. 88,00,020 showing an increase of Rs. 17,463, on those of 1922. Including

Rs the amount realised on In the High Court ... 13,11,793 (a) realised on account of duty* on probates, etc., the profit to

Government from civil litigation amounted to Rs. 1,01,60,499: excluding this item. it amounted to Rs. 86,28,293. Details of the receipts and charges are as follows:—

Receipts.

		-		Rs.
In	Stamps-			
	Process fees	***	•••	26,96,016
	Other fees	•••	•••	1,52,23,939
In	cash or special s	tamps-		
	Other receipts	***	•••	4,35,430
	Copying and co	mparing fees	•••	6,01,885
	Fines	***	•••	3,249
		Total	•••	1,89,60,519

Charges.

Salaries of judicial	l officers		Rs. 32,80,061
Establishment—			, .,
Process-servers	•••	•••	12,32,319
Others	•••	•••	29,58,109
Copyists' fees	•••		5,37,298
Contingencies and	refunds	•••	7,92,233
	Total	•••	88,00,020

There was an increase in receipts under all heads except "process fees" and "fines", and an increase in expenditure under the head "establishment". The increase in receipts, which was greatest under the head "other fees" amounted to more than Rs. 11,60.000, and that in expenditure to more than Rs. 74,000, than the previous year.

By order of the High Court,

J. D. V. HODGE,

Registrar, Appellate Side.

CONTENTS.

Pages.
Statements (Civil), Bengal, 1923 13-17

ANNUAL STATEMENT I—(Civil) revised to conform to the Government of India revised tables Nos. 25 and 26.

Number of Judicial Divisions, and Number of Officers Exercising Appellate or Original Jurisdiction, in the Presidency of Bengal on 31st December 1923, and the Number of Cases Decided in, and Receipts and Charges of, the Civil Courts during that year.

	rts und r to Chief			NUMB O	RIGINAL	FFIGERS OR APP ISDICTIO	ELLAIE	SING	Numbi	CR OF GAS	es decidi	eD.		
	or Con serior	}	ots.	t of	Oonits, District	ts of	Courts on the	Subordi-		Cıvıl			rts	ţ
Districts.	nons fout sur	nots.	Distra	Court	er Oo	Courts	ict Con		Origi	nal.	Appell	ate.	f Cou	f Cou
•	Number of Divisions for Courts Chief Courts but superior to Courts of Districts.	Number of Districts.	Number of Sub-Districts.	Judges of Chief Province.	Judges of other superior to Chief Courts.	Judges of Chief Districts.	Judge, of District Court other than Chief Cont.	Judges of other nate Courts.	Regular	M1-cellaneous	Regular.	4 iscellaneous.	Total Recents of Courts.	Total Charges of Courts.
1	2	3	4	Б	6	7	8	9	10	11	12	13	14	15
BURDWAN DIVISION.													R s.	Re.
Buidwan		1	4			1	2	8	15,613	2,545	511	101	6,55,798	2,41,843
Bubhum		1	4			1	1	6	11,554	2,536	149	40	3,44,119	1,73,119
Bankura		1	8			1	1	6	11,217	1,960	241	90	3,45,354	1,94,786
Midnapore		1	7		•••	2	3	14	34,471	4,885	1,682	152	8,74,469	3,55,825
Hooghly	•••	1	6		••	2	5	14	19 985	3,927	843	163	7,26,900	3,79,759
PRESIDENCY DIVISION.														
24-Parganas		1	6			1	7	16	35,322	7,970	975	248	12,07,208	5,51,132
Nadia		1	5			1	1	8	24,477	2,881	391	62	5,11,622	2, 16,233
Murshidabad	•••	1	4			1	1	8	16,938	1,849	326	57	3, 17,646	1,89,087
Jessore		1	5			1	1	10	29,142	3,876	982	174	5,06,493	2,84,949
Khulns	•••	1	8		•••	2	2	9	17,893	3,673	898	205	5,47,048	2,36,257
DAGGA DIVISION.														
Dacca		1	4	•••	••	3	6	16	41,012	4,593	971	209	10,65,721	4,91,377
Mymensingh		1	9	***	141	3	4	23	64,741	6,973	1,066	300	18,26,090	5,80,409
Faidpur		1	5	444	***	2	2	12	82,755	4,913	752	192	7,55,047	4,85,193
Bakarganj		1	ś	•••	•••	3	3	16	181,98	8,644	1,124	436	10,24,485	4,70,480
Rajshahi Division.														
Rajshahi		1	5	•••		1	1	7	20 688	1,847	162	42	6,37,613	1,86,765
Dinajpur		1	10		***	2	4	10	26.678	2.679	415	84	6,05,405	2,51,062
Rangpui	444	1	4			1	1	8	30,839	2,824	142	88	6,75,411	2,81,457
Pabna-Bogta	***	1	3	***	***]	3	9	23,446	8,178	498	111	6,96,711	2,42,066
CHITTAGONG DIVISION.												' .		
Tippera		1	5			2	3	16	37,7 8 5	2 200	1 416	901	10.00	, an ac-
Noakhali	***	1	5	444	441	1	3	10	23,398	6,326 4.770	1,419 433	281 247	10,06,319 5,95,109	4,08,081 2,43,991
Chittagong		1	8			1	2	14	24,083	4,816	588	225	5,76,108	3,40,991 3,18,984
Total		31	109			88	54	240	579,690	87,190	14,472	3,456	1,52.00,576	65,78,156
Galantha *								- **				-1204		And 1 of Tags
ORIGINAL and med ent		дэц		18			***	7	27,461	4,802	8,748	492	\$7,59,043	21,23,864
Grand Total	109	31	109	16	160	\$6	54	347	607,154	91,992	18,220	8,948	1,89,60,519	88,00,020

ANNUAL STATEMENT 2-(Civil).

Number and Description of Civil Suits Instituted in the Presidency of Bengal in the year 1923.

		Si	UITS UNDE	R THE RE	INT LAW.			TIT	LE AND O	THER SUIT	5.	
Class of Courts.	Suits for Money or Movable Property.	Arrears of Rent with or without eject- ment.	Enhance- ment or Abate- ment of rent.	For Eject- ment or Recovery of Possession alone.	All other Suits under the Rent Law.	Total.	Suits for Immov- able Property.	Suits for Specific Relief.	Mortgage Suits.	Other Suits not falling under any of the pre- ceding heads.	Total.	Grand Total.
1	2	8	4	5	6	7	8	9	10	11	19	13
SUBORDINATE COURTS.												
nion Courts		•••	•••	•••		•••						•••
Innsifs— Under ordinary procedure Under Small Cause Court powers mall Cause Courts—	46,687 131,032	303,672	12,871	1,416	4,936	322,895	27,819	1,883	19,766	10,063	59,524	429,106 131,032
As Small Cause Court Judges Under powers of Subordinate Judges.	9,912 29			•••		***	1	4	9	7	31	9,942 50
ubordinate Judges— Under ordinary procedure Under Small Cause Court powers listrict and Additional Judges	1,270 5,832	505	4	2	1 	512	1,141	69	1,218	1,246 491	3,674 491	5,456 5,832 491
Total	194,792	304,177	12,875	1,418	4,937	323,407	28,954	1,956	20,993	11,807	63,710	581,909
Courts at the Presidency.				1								
residency Small Cause Court ligh Court, General Jurisdiction ligh Court, Special Jurisdiction—	22,160 2,504	•••	***	***		***	224	35	243	278	780	22,160 3,374
Admiralty		***	***	•	***	•••			***	14 14	7 14 14	7 14 14
Total	24,754						224	35	243	313	815	25,569
GRAND TOTAL	219,546	804,177	12,875	1,418	4,937	323,407	29,178	1,991	21,236	12,120	64,525	607,478

ANNUAL STATEMENT 3 (Civil).

Number and Value of Civil Suits Instituted in the Presidency of Bengal in the year 1923.

		Numbe	r of Suit	e Institu	TED IN	CHE DIF	FERENT	COURTS		
Class of Courts.	Value not exceed- ing Rs. 10.	Value Rs. 10 to Rs. 50.	Value Ra. 50 to Rs. 100.	Value Rs. 100 to Rs. 500.	Value Rs. 500 to Rs. 1,000	Valuo Rs. 1,000 to Rs. 5,000	Value above	Number of Suits, the value of which cannot be estima- ted in money.		Total Value of Suits.
1	2	3	4	5	6	7	8	9	10	11
SUBORDINATE COURTS.										Rs.
Union Courts	•••	08%	944	***		•••	min.	544		h++
Munsifs— Under ordidary procedure Under Small Cause Court powers	85,533 4,481	182,805 64,752	65,446 44,196	83,251 17,603	10,285	1,646	440	140	429, 106 131,032	3,71,74,760 83,68,548
Small Cause Courts— As Small Cause Court Judges — Under powers of Subordinate Judges	462	2,604	1,918	4,257 1	701	****	9	7	9,942 50	14,03,385 1,72,765
Subordinate Judges— Under ordinary procedure Under Small Cause Court powers District and Additional Judges		 109 2	 79 6	5,638 85	3 ₇₆	4,883	952 57	117 181	5,456 5,832 491	3,76,82,065 13,63,645 20,05,97
Total	90,483	250,272	111,645	110,836	11,065	6,195	1,018	395	581,909	8,81,71,140
Courts at the Presidency.										
Presidency Small Cause Court Righ Court, General Jurisdiction	276	5,094	4,005	8,736	2,299	1,681 1,417	1,572	89 885	22,160 3,374	66,17,616 7,59,25,145
High Court Special Turisdiction— Admiralty Testamentary Matrimonial	***	#** *** ***	444 444	400 444 417	949 400 644	494 944 844	410 407 472	7 14 14	7 14 14	444 444
Total	276	\$,094	4,005	8,736	2,299	3,078	1,572	509	25,589	8,25,42,758
Grand Dotal	90,759	255,366	115,650	119,572	13,364	9,278	2,590	904	607,478	17,07,18,898

ANNUAL STATEMENT 4-(Civil).

General Results of Trial of Civil Cases in Courts of Original Jurisdiction in the Presidency of Bengal in the year 1923.

Civil Suits.

		Numb	er of Suit	'S DISPOSED	OF, EXCLU	DING TRANS	FDRS.
Class of Courts.	Number of Suits before the			With C	ontest.	On	Pending at the close of each year.
	Courts.	Without Trial.	Without Contest.	Judgment for Plaintifi.	Judgment for Defendant.	reference to Albitiation.	
1	2	3	4	5	6	7	8
SUBORDINATE COURTS.			· ·				
Union Courts			***				•••
Munsifs— Under ordinary procedure Under Small Cause Court powers	****	60,508 30,754	815,154 83,843	45,763 10,478	8,152 2,356	341 88	143,172 33,319
Small Cause Courts— As Small Cause Court Judges Under powers of Subordinate Judges	1	2,142 3	6, 6 10 33	1,065 3	202	9	2,188 29
Subordinate Judges— Under ordinary piocedure Under Small Cause Court powers	#'GAG	804 764	3,690 4,249	1,21 5 742	346 160	67 3	8,256 1,44 2
District and Additional Judges	780	109	182	87	14	2	356
Total of each class for Civil Courts— Suits for money or movables Suits under the Rent Law Title and other suits	395,617	42,321 40,560 12,203	126,278 250,728 36,755	18,709 30,433 10,232	3,834 3,049 4,057	228 35 248	58,260 70,812 59,685
Total	768,447	95,084	418,761	59.374	10,960	511	188,757
COURTS AT THE PRESIDENCY.							
Presidency Small Cause Court High Court, General Jurisdiction		1,123 1,477	17,419 1,829	3,830 696	704 190	118	4,668 4,431
High Court, Special Jurisdiction— Admiralty Testamentary Matrimoulal Prize Cases	41 51		3 , 3 11	, 1 8 2	1 3	•••	5 28 27 2
Total	. 36,628	2,615	19,265	4,587	898	149	9,159
GRAND TOTAL	. 805,070	97,699	433,026	63,911	11,858	660	197,916

ANNUAL STATEMENT 5-(Civil).

General Results of Trial of Civil Cases in Courts of Original Jurisdiction in the Presidency of Bengal in the year 1923.

Miscellaneous Cases.

		NUMBER OF CASES DISPOSED OF, DXCLUDING TRANSFERS.								
Class of Courts.	Number of Cases			With (Dontest.	On				
	before the Courts.	Without Trial.	Without Contest.	Judgment for Plaintiff.	Judgment for Defendant.	reference to Arbitration.	Pending at the close of each year.			
1	2	3	4	5	6	7	8			
Subordinate Courts.										
Union Courts		28,294	31,154	6,016	8,819	" 14	15,630			
Small Cause Courts— As Small Cause Court Judges Under powers of Subordinate Judges		83.2	150 8	156	88	***	171			
Subordinate Judges	40000	2,756 1,587	2,165 5,088	774 407	876 488	5 6	2,273 3,063			
Total	108,578	82,976	38,565	7,353	8,271	25	(a) 21,139			
COURTS AT THE PRESIDENCY.										
Fresidency Small Cause Court		705	1,680	1,752	662	5	142			
Total	4,944	705	1,680	1,752	852	3	143			
GRAND TOTAL	113,522	83,681	40,245	9,105	8,988	28	21,981			

NOTE.—Twenty-six cases of contempt of Court under Chapter XXXV of the Code of Criminal Procedure were disposed of by Civil Courts during the year.

(a) Two hundred and forty-vine applications for Probate or letter of administration, which became contested during the year, were transferred to the head of Suits.

ANNUAL STATEMENT 6-(Civil).

Civil Appellate Courts of the Presidency of Bengal in the year 1923. Appeals from Decrees,

		APPEA	LS DISPOSED	or (exclu	DING TRANS	FERS).	
Class of Courts	Number of Appeals before the Courts	Dismissed or not prosecuted	Confirmed.	Modified.	Reversed.	Remanded	Pending at the close of each year.
1	2	3	4	5	6	7	8
SUBORDINATE COURTS.	' I						ĺ
Applals from Original Drorfls	<u> </u>						
Subordinate Judges District and A lditional Judges	13 180 1 7 ,474	983 1,017	4 600 2 862	1,232 665	1 491 690	562 170	4 312 11,870
Total of each Class for Civil Courts— Appeals from Decisions in Suits for Money or Movibles.	3 854	236	1 008	240	327	80	1,963
In Suits under the R nt Law In Titl and other Suits	12 093 14 707	877 887	2,901 3,503	933 724	957 1,097	244 408	6 181 8,038
Lot at	30 654	2 000	7 462	1 897	2,381	732	16 192
COURTS AT THE PRESIDENCY							
Al PEALS 1 ROM ORIGINAL DECREES		1			}		
Chief Court of Piovince— From decisions by the Subordinate Courts on the Origin I Side	711 283	79 10	75 72	16 5	41 33	16	154 133
APPEAIS FROM APPELLAIL DECRIIS]		
Chief Court of Province— From decisions by the Subordin its Appel ate Courts	7,027	1 255	1,323	65	287	374	3,723
From decision- by a single Judge or Bench on Appeal in the Chief Court.	74	28	20	2	7	9	8
Fotal	8 095	1 402	1,490	88	368	400	4,347
Grand Total	38 749	3,402	8,952	1,985	2,749	1 132	20,529

ANNUAL STATEMENT 7-(Civil).

Civil Appellate Courts of the Presidency of Bengal in the year 1923. Miscellaneous Appeals.

		Apphals disposed of (exoluding transfers).					
Class of Courts.	Number of Appents before the Courts	Dismissed or not pro secuted	Confit med	Modified	Reversed.	Re- manded.	Pending at the close of each year.
1	2	3	4	5	6	7	8
SUBORDINATE COURTS. Appeals from Original Orders							
Subordinate Judges District and Additional Judges	1,358	144 415	636 1,280	29 26	251 507	82 86	216 1,114
Total	4,786	559	1,916	55	758	168	1,330
COURTS AT THE PRESIDENCY.							
Appeals from Original Orders.		1					
Chief Court of Province— From decisions by the Subordinate Courts From decisions on the Original Side	491	128	93	15	35	13	207
Total	491	128	98	15	35	13	207
APPEALS FROM APPELLATE ORDERS.			*		-	1	
Chief Court of Province— From decisions by the Subordinate Appelate Courts.	- 1	72	77	5	31	23	109
From decisions of a single Judge or Beno on Appeal in the Chief Court.	lı		•••	•••			•••
Total .	317	72	77	5	31	23	109
Grand Total .	5,594	759	2,086	75	824	204	1,646

A

Civil business disposed of in the High Court during the year 1923.

Provinces of Bengal and Assam.

Nature of business			Brought before the Court in 1923	Disposed of in 1)23,	Remaining at the close of 1928.
	suits icceived by transfer from other	5,322	3,439	4,270	4,491
Applications for Probates, References to take account Insolvency cases		210	17,924 480	17,924 375	 3(5
Appr	LLATE JURISDICTION	1,413	255	62	1,606
	First Appeals				
From Original decrees	Of the Subordinate Courts	482 84	263 199	(a)239	506
From Original orders	of the Subordinate Courts	270	244	151 296	132 218
_	(Of the High Court		•••	•••	***
	Second Appeals.				
From Appeallate decrees of From Appellate orders of t	the Subordinate Courts	4,480 142	2 827 188	(b)3,401 221	3,90 6 109
7	Thu d Appeals.				
From Original decrees :	an of two Judges hearing flist	1	••	••	1
From Appellate decrees	of two Judges hearing second Appeals.		••	•••	***
the High Court.	of one Judge hearing second Appeals.	32	44	68	8
Refer	ences to Full Bench				
In flist Appeals	from Original decrees		**		•••
In the matter of rule ness	from Original orders		***		•••
In second Appeals	from Appellate decrees	•••	***	***	•••
In thud Appeals from	from Appellate orders of one Judge hearing second	••	***	•••	•••
Appellate decrees in the High Court.	the for one Judge hearing second to Appeals.	***	***	•••	***
d pple	catrons for Review.				
In first Appeals	from Original decrees	2	12	14	•••
In the matter of rule nis:	(from Original orders		10	10	***
In second Appeals	from Appellate decrees	6	67	6 71	2
Under Section 12 of the La	(from Appellate orders	***	7	7	***
	References.				
Under Section 113 and Ord Ditto 113 and Ord	ler XLVI, Rule 1. Act V of 1908		3	2	1
Ditto 49, Act II o	f 1899 (Stann Act)	1	1	2	A 8.4
Ditto 14 of the Le Ditto 23(2) of Act	ENI PIONTITIANA	2	 3	*** 5	***
TATAMOND """	***		***		***
Rules Divorce cases	***	666	1,298 9 4 3	1,298	434 Kon
Miscellaneous Orders in Co.	11-	4	5 9,265	(c)1,079 6	530 3

⁽c) Including 47 Will cases
(b) Of these 117 were decided by a single Judge.
(c) Of these 148 were disposed of by a single Judge.

